

1 THE HONORABLE ROBERT S. LASNIK
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
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10 AMY LINN ALLEN,

11 Plaintiffs,

12 vs.

13 JOHNSON & JOHNSON and ETHICON,
14 INC.

15 Defendants.

Case No. 2:21-cv-00367-RSL

STIPULATED MOTION TO FOR
LEAVE TO FILE AN AMENDED
COMPLAINT AND TO EXTEND TIME
TO RESPOND TO COMPLAINT AND
ORDER

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17 **STIPULATION**

18 Plaintiff Amy Linn Allen (“Plaintiff”) and Defendants Ethicon, Inc. and Johnson &
19 Johnson (“Defendants”) (collectively, the “Parties”), by and through counsel, respectfully state the
20 following:

- 21 1. On March 17, 2021; Plaintiffs filed their Original Complaint. [Dkt. 1].
22 2. On May 5, 2021 the parties agreed that the Original Complaint should be amended, to a
23 certain degree.
24 3. The parties agree that Plaintiff will file her Amended Complaint on or before June 2, 2021.

25 JOINT MOT. FOR LEAVE TO FILE AM.
COMPL. & TO EXTEND TIME TO
RESPOND & ORDER
(Case No. 2:21-cv-00367-RSL) - 1

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- 1 4. Fed.R.Civ.P. 15(a)(2), provides that, “a party may amend its pleading only with the
2 opposing party’s written consent or the court’s leave. The court should freely give leave
3 when justice so requires.” A motion to amend under Rule 15(a)(2), “generally shall be
4 denied only upon showing of bad faith, undue delay, futility, or undue prejudice to the
5 opposing party.” *Chudacoff v. University Medical Center of Southern Nevada*, 659 F.3d
6 1143, (9th Cir.2011). Rule 15(a) is designed “to facilitate decision on the merits, rather
7 than on the pleadings or technicalities.” *Id.*
- 8 5. Defendants reserve the right to challenge the sufficiency of Plaintiff’s Amended Complaint
9 through a motion to dismiss.
- 10 6. Further, should Plaintiff’s Motion for Leave be granted, the Parties respectfully request
11 that Defendants be allowed an extension to answer or otherwise respond to Plaintiff’s
12 Amended Complaint to July 2, 2021.
- 13 7. The Parties respectfully request an order granting Plaintiff’s Motion for Leave to File her
14 Amended Complaint by consent, that Plaintiff’s Amended Complaint be entered on the
15 docket, and an order granting Defendants’ Motion to Extend the deadline to answer or
16 otherwise respond to Plaintiffs’ Amended Complaint to July 2, 2021.

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1 WHEREFORE, the Parties respectfully request that this Court grant this Joint Motion,
2 enter Plaintiff's Amended Complaint on the docket in this action, and extend Defendants'
3 deadline to answer or respond to Plaintiffs' Amended Complaint to July 2, 2021.

4 DATED this 14th day of May, 2021.
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14 *Johnson*

15 -- and --
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21 *Attorneys for Plaintiffs*
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ORDER

IT IS SO ORDERED.

Dated this 17th day of May, 2021.

Mrs Casnik

THE HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

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JOINT MOT. FOR LEAVE TO FILE AM.
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(Case No. 2:21-cv-00367-RSL) - 4